

# **EXHIBIT A**

E-Mail Chain Between Michael S. Levin, Esq. and Colin  
Munro, Esq.

**EXHIBIT A**

**From:** Levine, Michael S.  
**Sent:** Thursday, December 10, 2020 3:42 PM  
**To:** Colin Munro  
**Cc:** Joyce Wang; Nancy J. Strout; Cunio, Christopher J.; Anderson, Britt E.; Stellakis, Nicholas D.  
**Subject:** RE: Treasure Island v. AFM - Deposition Meet & Confer

Thanks, Colin. To be accurate, TI agreed to not proceed as noticed and asked for new dates in the first two weeks of January. No dates have been proposed, so the depositions currently are not scheduled. To me, that means they are off calendar.

Mike

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**From:** Colin Munro <cmunro@ccplaw.com>  
**Sent:** Thursday, December 10, 2020 6:33 PM  
**To:** Levine, Michael S. <mlevine@hunton.com>  
**Cc:** Joyce Wang <jwang@ccplaw.com>; Nancy J. Strout <nstrout@ccplaw.com>; Cunio, Christopher J. <CCunio@hunton.com>; Anderson, Britt E. <banderson@hunton.com>; Stellakis, Nicholas D. <NStellakis@hunton.com>  
**Subject:** RE: Treasure Island v. AFM - Deposition Meet & Confer

Mike,

Thank you for your email. We respectfully disagree that the quoted statement is false. Our brief accurately states that TI noticed the depositions for December 18, 21 in the locations stated. We also informed the court that you had agreed to reschedule – but not take off calendar – the depositions. Footnote 4 of our motion states, “Treasure Island has agreed to reschedule the depositions to early January 2021, and to take the depositions remotely, but will not agree to extend the cutoff or allow the depositions to be taken after the current cutoff of January 14, 2021”. This clearly states that TI has agreed to reschedule the depositions and take them remotely, but that TI would not agree to postpone the depositions past January 14, 2021, nor to extend the discovery cutoff. We believe those circumstances still constitute grounds for an emergency motion and will refile.

Nevertheless, we will delete the statement, "Treasure Island has refused to take the depositions off calendar" and reword the paragraph regarding the emergency nature of the motion to read as follows:

**Expedited consideration is requested** for this Motion pursuant to Local Rule 26-7(d), and Local Rule 7-4, because, after the Motions were fully briefed, Treasure Island served depositions notices on December 4, 2020 noticing depositions of AFM witnesses for December 18, 2020 and December 21, 2020 despite the pending Motions. Although Treasure Island has agreed to reschedule the depositions until early January, 2021, and to take them remotely, they have refused to postpone the depositions or agree to modify the discovery schedule. Expedited consideration is necessary to stay the depositions and modify the discovery schedule to allow resolution of the pending Motions. See accompanying Declaration of Colin C. Munro.

Regards

Colin

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**From:** Levine, Michael S. [<mailto:mlevine@hunton.com>]

**Sent:** Thursday, December 10, 2020 1:59 PM

**To:** Colin Munro

**Cc:** Joyce Wang; Nancy J. Strout; Cunio, Christopher J.; Anderson, Britt E.; Stellakis, Nicholas D.; Levine, Michael S.

**Subject:** RE: Treasure Island v. AFM - Deposition Meet & Confer

Colin,

We reviewed AFM's Expedited Motion and are troubled by certain representations made for the apparent purpose of influencing the court to expedite consideration and grant the requested relief. Specifically, AFM states that "Treasure Island served depositions notices on December 4, 2020 noticing depositions of AFM witnesses for December 18, 2020 and December 21, 2020 despite the pending Motions. Treasure Island has refused to take the depositions off calendar." Motion at 2. This is false. In our December 8, 2020 meet and confer, Treasure Island agreed to remove the noticed depositions from the calendar. Then, in its memorandum, AFM falsely states that "[t]he depositions are currently noticed for December 18, and 21 in Los Angeles, Dallas and Boston." Mem. at 4. In our meet and confer, we further informed you that all three depositions would be conducted remotely. Both points were confirmed in writing prior to AFM filing its motion. See 12/9/20 2:45 p.m. e-mail, below.

With all depositions off calendar and all depositions to proceed remotely once scheduled, there is no emergency, much less a need for expedited consideration by the court. We saw that your motion was rejected procedurally and has not yet been refiled. We ask that if AFM chooses to refile, that it remove the false statements contained in its initial filing.

Thank you.

Mike

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**From:** Colin Munro <[cmunro@ccplaw.com](mailto:cmunro@ccplaw.com)>

**Sent:** Wednesday, December 9, 2020 6:50 PM

**To:** Levine, Michael S. <[mlevine@hunton.com](mailto:mlevine@hunton.com)>

**Cc:** Joyce Wang <[jwang@ccplaw.com](mailto:jwang@ccplaw.com)>; Nancy J. Strout <[nstrout@ccplaw.com](mailto:nstrout@ccplaw.com)>; Cunio, Christopher J. <[CCunio@hunton.com](mailto:CCunio@hunton.com)>; Anderson, Britt E. <[banderson@hunton.com](mailto:banderson@hunton.com)>

**Subject:** RE: Treasure Island v. AFM - Deposition Meet & Confer

Thanks Mike

We are filing the emergency motion today and hopefully all of this moves the court to make decisions on the pending motions.

We heard from Mr. Carroll and he is generally available the first two weeks in January. We have not heard anything yet about Mr. Cook's availability but will let you know as soon as we hear. Unfortunately Mr. Bueche currently has some medical issues and we are not sure about his availability. Hopefully we will get greater clarity about him in the next couple of weeks and will let you know.

Regards

**Colin C. Munro**

Carlson, Calladine & Peterson LLP  
353 Sacramento St., 16th floor  
San Francisco, CA 94111  
415 901 0967 (direct)  
[cmunro@ccplaw.com](mailto:cmunro@ccplaw.com)

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**From:** Levine, Michael S. [<mailto:mlevine@hunton.com>]

**Sent:** Wednesday, December 9, 2020 2:45 PM

**To:** Colin Munro

**Cc:** Joyce Wang; Nancy J. Strout; Cunio, Christopher J.; Anderson, Britt E.; Levine, Michael S.

**Subject:** Treasure Island v. AFM - Deposition Meet & Confer

Colin,

I am following up on yesterday's meet and confer regarding the depositions of David Carroll, Brian Cook and Brian Bueche.

You advised that AFM will be seeking a protective order for each of the noticed depositions. Given the uncertainty as to when or how the court will rule on the pending motions, including AFM's Rule 12(b) motion, its motion to stay discovery and its forthcoming motion for protective order, we agreed to reschedule the three depositions to be conducted remotely during the weeks of January 4 and 11. Please let me know the witnesses' availability as soon as possible so we can hold those dates.

Thanks.

Mike



**Michael S. Levine**

Partner

[mlevine@HuntonAK.com](mailto:mlevine@HuntonAK.com)

p 202.955.1857

m 703.628.1322

bio | vCard

[www.huntoninsurancerecoveryblog.com](http://www.huntoninsurancerecoveryblog.com)

Hunton Andrews Kurth LLP  
2200 Pennsylvania Avenue, NW  
Washington, DC 20037

200 Park Avenue  
52nd Floor  
New York, NY 10166  
[HuntonAK.com](http://HuntonAK.com)